

House Bill 76

By: Representatives Stephens of the 164th, Harrell of the 106th, and Dickerson of the 113th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages,
2 so as to specify that counties and municipalities may regulate alcohol licenses as to certain
3 distances in a manner that is less but not more restrictive than those distances specified by
4 the state; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is
8 amended by revising Code Section 3-3-21, relating to sales of alcoholic beverages near
9 churches, school buildings, or other sites, as follows:

10 "3-3-21.

11 (a)(1) No person knowingly and intentionally may sell or offer to sell:

12 (A) Any distilled spirits in or within 100 yards of any church building or within 200
13 yards of any school building, educational building, school grounds, or college campus;

14 (B) Any wine or malt beverages within 100 yards of any school building, school
15 grounds, or college campus. This subparagraph shall not apply at any location for
16 which a license has been issued prior to July 1, 1981, nor to the renewal of such license.

17 Nor shall this subparagraph apply at any location for which a new license is applied for
18 if the sale of wine and beer was lawful at such location at any time during the 12
19 months immediately preceding such application. Nothing in this subparagraph shall
20 prohibit a grocery store licensed for the retail sale of only wine and malt beverages for
21 consumption off the premises from selling wine or malt beverages within 100 yards of
22 any school building, school grounds, or college campus, where so permitted by
23 resolution or ordinance of the county or municipality. As used in this subparagraph, the
24 term 'grocery store' means a retail establishment which has a total retail floor space of
25 at least 10,000 square feet of which at least 85 percent is reserved for the sale of food
26 and other nonalcoholic items, conducts all of its sales inside the building containing its

27 retail floor space, and meets such other criteria as may be required by the local
28 governing authority of the county or municipality; or

29 (C) Any distilled spirits, wine, or malt beverages within 100 yards of an alcoholic
30 treatment center owned and operated by this state or any county or municipal
31 government therein. This paragraph shall not apply to any business having a license
32 in effect on July 1, 1981.

33 (2) As used in this subsection, the term 'school building' or 'educational building' shall
34 apply only to state, county, city, or church school buildings and to such buildings at such
35 other schools in which are taught subjects commonly taught in the common schools and
36 colleges of this state and which are public schools or private schools as defined in
37 subsection (b) of Code Section 20-2-690.

38 (b) Nothing contained in this Code section shall prohibit the licensing of the sale or
39 distribution of alcoholic beverages by:

40 (1) Hotels of 50 rooms or more which have been in continuous operation for a period of
41 at least five years preceding July 1, 1981;

42 (2) Bona fide private clubs, owning their own homes, subject to licensing under Chapter
43 7 of this title; and

44 (3) Licensees for the retail sale of alcoholic beverages for consumption on the premises
45 only or package sales for consumption off the premises who shall be subject to regulation
46 as to distances ~~from churches, schools, and colleges~~ by counties and municipalities;
47 provided, however, that such distances may be less restrictive than those provided in this
48 Code section but shall not be more restrictive; and provided, further, that if such licensees
49 are not regulated as to distances by a county or municipality, then the distances set forth
50 in this Code section shall govern such licensees.

51 (c) For purposes of this Code section, distances shall be measured by the most direct route
52 of travel on the ground.

53 (d) Reserved.

54 (e)(1) As used in this subsection, the term 'housing authority property' means any
55 property containing 300 housing units or fewer owned or operated by a housing authority
56 created by Article 1 of Chapter 3 of Title 8, the 'Housing Authorities Law.'

57 (2) No person knowingly and intentionally may sell any alcoholic beverages for
58 consumption on the premises within 100 yards of any housing authority property. This
59 subsection shall not apply at any location for which a license has been issued prior to July
60 1, 2000, nor to the renewal of such license. Nor shall this subsection apply at any
61 location for which a new license is applied for if the sale of alcoholic beverages for
62 consumption on the premises was lawful at such location at any time during the 12
63 months immediately preceding such application."

64

SECTION 2.

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All laws and parts of laws in conflict with this Act are repealed.